IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO :20977 of 1998

Dated: 10th July 2007.

Between:

B.Rama Devi, W/o Late O.B.Nityanandam, Hindu, aged about 43 years, R/o D.No.1/875, Yerramukkapalli, Cuddapah 516 002. and another.

..... PETITIONERS

AND

A.P.S.R.T.C. rep by its Vice Chairman & Managing Director, Musheerabad, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.NO.20977 OF 1998

ORAL ORDER:

This writ petition has been instituted seeking directions to the respondent-A.P.S.R.T.C., to consider the case of the 2nd petitioner for appointment as a Sweeper/Attender/Cleaner or against any other suitable post on the ground that the husband of the 1st petitioner, who is the father of the 2nd petitioner died on 25-10-1989 while working as an Electrician with the 1st respondent-Corporation.

The 2nd petitioner, whose case is asked to be considered for employment, has since attained the age of 18 years, rendering him, otherwise, eligible for seeking employment. It is obvious that at the time of the death of the employee in October 1989, the 2nd petitioner is less than ten years old. Therefore, the question of considering his case for employment at that stage would not have arisen.

Considering the cases of the dependents of the deceased employees for employment on compassionate grounds is not a normal process of recruitment against any public post. In a respect, it is an exception to the normal rule and requirement of the Constitution. But however, there are well-defined

limits and limitations on exercise of such compassion, even. If the family of a deceased employee could survive for long years, they do not require compassionate consideration at all. The very scheme of extending compassionate appointments in favour of any of the dependents of a deceased breadwinner is to provide immediately the necessary help and to ensure that the said family does not become destitute all of a sudden on account of the death of the breadwinner. But however, if the family could survive for long years, all on their own, such cases cannot be taken for consideration for appointments on compassionate grounds.

Sri Sreemannarayana learned counsel appearing on behalf of the respondent-Corporation submits that the Corporation, in all such cases where the candidature of the dependent of the deceased is not taken up for employment, accords to the said family additional monitory benefits and the 1st petitioner herein is entitled for such a benefit, as per the eligibility.

I, therefore, direct the 1st respondent to accord additional monetary benefits in favour of the 1st petitioner duly computing and calculating the same within a period of three months from now and pay the same together with arrears.

The writ petition is, therefore, dismissed with the above directions, but however, without costs.

Nooty Ramamohana Rao, J

10th July 2007
mrk